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Dkt. 0980/660

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Haiqing WEI, et al.

Serial No .:

09/971,831

Group Art Unit: 2633

Date Filed:

October 4, 2001

Examiner: Payne, David C.

GENERATION OF OPTICAL SIGNALS WITH RETURN-TO-ZERO FORMAT For:

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Reg. No. 40,837

1185 Avenue of the Americas New York, N.Y. 10036 (212) 278-0400

Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION <u>UNDER 37 C.F.R. §1.137(b)</u>

This Petition is submitted to revive the above-identified application under 37 C.F.R. §1.137(b).

An Office Action dated August 24, 2004 was issued by the United States Patent and Trademark Office (PTO) in connection with this application. A response to the August 24, 2004 Office Action was originally due November 24, 2004.

A response to the August 24, 2004 Office Action, through an inadvertent error, was not filed by the November 24, 2004 due date, and thereby the application unintentionally became abandoned.

A Notice Of Abandonment dated April 20, 2005 was mailed by the PTO in connection 00000014 033125 09971831

05/10/2005 CCHAU1

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with this application. A copy of the April 20, 2005 Notice Of Abandonment is attached hereto as Exhibit A.

Since this Petition under 37 C.F.R. §1.137(b) is being submitted within two months of the April 20, 2005 Notice Of Abandonment, the Petition is being timely filed.

Requirements of Petition to Revive

A petition under 37 C.F.R. §1.137(b) must be accompanied by:

- (1) the required reply, unless it has been previously filed;
- (2) the petition fee set forth in 37 C.F.R. §1.17(m);
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional; and
- (4) any terminal disclaimer (and fee as set forth in §120(d)) required pursuant to 37 C.F.R. §1.137 (c) for a utility application filed before June 8, 1995.

This Petition is being submitted concurrently with a Reply in response to the August 24, 2004 Office Action. Accordingly, it is believed that the required reply is being submitted herewith.

The fee for a Petition under 37 C.F.R. §1.137(b) as set forth in 37 C.F.R. §1.17(m) is \$750.00 for a small entity and authorization is hereby given to charge the amount of this small entity Petition fee to Deposit Account No. 03-3125.

The entire delay in filing the required reply, i.e. response to the August 24, 2004 Office Action, until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b), was unintentional.

Because this application was filed after June 8, 1995, 37 C.F.R. §1.137(c) does not

require any terminal disclaimer to be filed.

In view of the foregoing, Applicant earnestly solicits an expeditious revival of the subject application.

If a telephone interview would be of assistance in resolving any issue in connection with this Petition, Applicant's undersigned attorney invites the Examiner to telephone him at the number provided below.

If any additional fee is required in connection with the filing of this Petition, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

Paul Teng, Reg. No. 40,837

Attorney for Applicant Cooper & Dunham LLP

1185 Avenue of the Americas

New York, New York 10036

(212) 278-0400



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/971,831	10/04/2001	Haiqing Wei	0980/66019	4311
7590 04/20/2005 OIPE			EXAMINER	
Ivan S. Kavrukov			PAYNE, DAVID C	
Cooper & Dunham LLP 1185 Avenue of the Americas New York, NY 10036		MAY 0 9 2005 S	ART UNIT	PAPER NUMBER
			2633	
		MADEMARY	DATE MAILED: 04/20/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.



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Notice of Abandonmen BADEMARHO 09

Application No.

O9/971,831

Examiner

David C. Payne

Applicant(s)

WEI ET AL.

Art Unit

2633

Notice of Abandonment	Examiner	Art Unit	
	David C. Payne	2633	
The MAILING DATE of this communication app			ddress
This application is abandoned in view of:	1 to Revive: 61	20/05 pm	
 Applicant's failure to timely file a proper reply to the Office (a) A reply was received on (with a Certificate of N	Mailing or Transmission dated month(s)) which expire), which is after the ed on	
(b) ☐ A proposed reply was received on, but it does	not constitute a proper reply t	under 37 CFR 1.113 (a) to	the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection application in condition for allowance; (2) a timely filed Continued Examination (RCE) in compliance with 37	l Notice of Appeal (with appea CFR 1.114).	al fee); or (3) a timely liled	Request for
(c) A reply was received on but it does not constitutional rejection. See 37 CFR 1.85(a) and 1.111. (See	ute a proper reply, or a bona t explanation in box 7 below).	APR 2	5 2005
(d) 🖾 No reply has been received.			
 Applicant's failure to timely pay the required issue fee an from the mailing date of the Notice of Allowance (PTOL-8 	بند).		
(a) The issue fee and publication fee, if applicable, was , which is after the expiration of the statutory p Allowance (PTOL-85).	s received on (with a eriod for payment of the issue	Certificate of Mailing or efee (and publication fee)	Transmission dated set in the Notice of
(b) The submitted fee of \$ is insufficient. A balance	e of \$ is due.		
The issue fee required by 37 CFR 1.18 is \$	The publication fee, if require	d by 37 CFR 1.18(d), is \$	·
(c) \square The issue fee and publication fee, if applicable, has n			
 Applicant's failure to timely file corrected drawings as req Allowability (PTO-37). 			
(a) Proposed corrected drawings were received on after the expiration of the period for reply.	_ (with a Certificate of Mailing	or Transmission dated _), which is
(b) ☐ No corrected drawings have been received.			
— S	a attarnay or agont of record	the assignee of the entire	e interest, or all of
 The letter of express abandonment which is signed by th the applicants. 	e altorney or agent or record,	The assigned of the order	
 The letter of express abandonment which is signed by an 1.34(a)) upon the filing of a continuing application. 	n attorney or agent (acting in	a representative capacity	under 37 CFR
6. The decision by the Board of Patent Appeals and Interfer of the decision has expired and there are no allowed claim	rence rendered on and ms.	because the period for s	eeking court review
7. The reason(s) below:			
		M. R. SEDIGHIA PRIMARY EXAMI	dishian AN NER
Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdr	aw the holding of abandonment	under 37 CFR 1.181, should	be promptly filed to
minimize any negative effects on patent term.			